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August 11, 2003

**VIA HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by  
T-Mobile USA, Inc. and Sprint Corporation in CC Dckt. No. 95-116**

Dear Ms. Dortch:

On Friday, August 8, 2003, Thomas Sugrue, Harold Salters and Anna Miller, on behalf of T-Mobile USA, Inc., and Luisa Lancetti, Joe Assenzo, and Charles McKee, on behalf of Sprint Corporation, met with Barry Ohlson, Legal Advisor to Commissioner Jonathan Adelstein, to discuss the above-referenced proceeding and to distribute the attached written presentation. During this meeting, T-Mobile and Sprint explained that the Commission needed to act quickly to resolve a number of key issues in order to ensure that wireless local number portability ("LNP") can be implemented successfully on November 24, 2003.

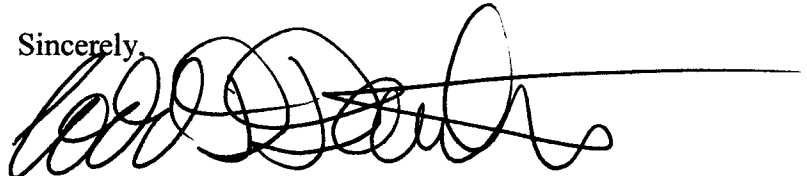
Consistent with the positions outlined in the attached written presentation, T-Mobile urged the Commission to resolve the rate center dispute in a way that enhances, not inhibits, competition, to clarify that interconnection agreements are not necessary to facilitate wireless LNP, and to shorten the intermodal porting interval. Sprint supported these main points. T-Mobile and Sprint also explained that the Commission has ample legal authority to grant CTIA's Petition for Declaratory Ruling without issuing a new Further Notice of Proposed Rulemaking.

Marlene H. Dortch, Secretary  
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As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding, and a copy is being submitted to all FCC personnel who attended the meeting.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd D. Daubert', with a long horizontal line extending to the right.

Todd D. Daubert  
*Counsel to T-Mobile USA, Inc.*

Attachment

cc: Barry Ohlson

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**T-Mobile**

# **Intermodal Local Number Portability**

## **Facilitating Customer Choice**

**T-Mobile USA, Inc.**

**Ex Parte Presentation in CC Docket No. 95-116**

**August 7, 2003**

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## **I. RATE CENTER ISSUES**

*Solution Should Enhance, Not Inhibit, Customer Choice*

## **II. INTERCONNECTION AGREEMENTS**

*SLAs are sufficient to facilitate portability*

## **III. INTERMODAL PORTING INTERVAL**

*Portability should be simple and efficient for customers*

## RATE CENTER ISSUES

### *Solution Should Enhance, Not Inhibit, Customer Choice*

- The FCC ordered CMRS to provide number portability based, in part, upon findings that it would promote competition between wireless and wireline carriers.
  - The FCC found that “as more consumers choose to use wireless instead of wireline services, the inability to transfer that wireline number to a wireless service provider may slow the adoption of wireless by consumers that wish to keep the same telephone number.”
- States support full intermodal competition.
  - The New York Dept. of Public Service concluded that “artificial barriers to intermodal competition should not be condoned” and the FCC should reaffirm that a wireline carrier must port a customer’s telephone number if a wireless carrier’s serving area overlaps the rate center of the wireline carrier.
  - The California PUC urges the FCC to require wireline carriers to port their customer’s numbers to the facilities of the wireless carrier the customer chooses.
- Wireless is emerging as a leading competitive alternative for ILEC services – especially for the residential market.
- The FCC and the States have it right: intermodal LNP will promote competition in local markets by enabling more consumers to switch their service from LECs to CMRS providers.

## RATE CENTER ISSUES

*Adopting the ILEC position will hinder competition and promote NANP exhaust*

- It is technically and operationally feasible for a customer to port a number from a LEC to a CMRS Provider so long as
  - the serving LEC switch is LNP capable, and
  - CMRS provides its services in the LEC rate center.
- Some ILECs want to limit the ability of many of their customers to port their numbers to CMRS providers by refusing to port unless the CMRS provider also
  - interconnects directly with the serving LEC end office, and
  - first obtains its own set of numbers in the rate center.
- Unless the FCC rejects the ILECs' position, NANP exhaust will be significantly accelerated because CMRS would be forced to obtain numbers in every rate center within the top 100 MSAs.

## RATE CENTER ISSUES

### *ILEC objections are factually inaccurate*

- ILEC additional “conditions” are artificial roadblocks to LNP: They are not necessary to ensure technical or operational feasibility of LNP.
  - *Claim #1: the wireless carrier must have its own facilities or POI in every rate center.* The FCC has rejected the claim that competitive carriers must mirror the ILEC’s network by establishing POIs in every rate center, which would unnecessarily require inefficient network design.
  - *Claim #2: the wireless carrier must have numbering resources (NPA-NXXs) in each rate center to provide local service.* For numbering efficiency, wireless carriers do not obtain numbering resources in every rate center but do obtain resources to provide local service to almost all its local serving area.
  - *Claim #3: unless restricted, wireless-wireline portability will cause significant competitive neutrality problems.* The great majority of intermodal porting will likely be from wireline to wireless, not wireless to wireline. In any event, wireless carriers take numbers in most local calling areas, although not in each rate center, for their own business reasons. Thus, as a practical matter, there should be few problems with porting from wireline to wireless.
- The Bottom-Line: In order to ensure that all LEC customers, not just a few, have the ability to port their numbers to CMRS providers, the FCC must reject the additional “conditions” that some ILECs are attempting to impose.

# INTERCONNECTION AGREEMENTS

*SLAs are legally sufficient to facilitate portability*

- There is no legal reason why carriers must have interconnection agreements to facilitate portability.
  - A majority of commenters recognize that carriers do not need interconnection agreements to port numbers.
  - The '96 Telecom Act does not require wireless carriers to negotiate amendments to interconnection agreements solely for the purpose of number portability.
  - Portability does not involve interconnection *per se* between the two porting carriers because porting has no effect on routing or rating.



# INTERCONNECTION AGREEMENTS

## *SLAs are sufficient to address all relevant issues*

- There is no practical reason why carriers must have interconnection agreements to support number porting
  - Routing and call completion work today – portability does not impact routing and call completion within local calling areas.
  - The FCC, not the states, enforces the portability requirements, but the Section 252 negotiation procedure would needlessly drag the states into the process and increase delays and costs.
  - A number of major ILECs, including Sprint and Verizon, agree that interconnection agreements are not necessary, but other ILECs are refusing to even enter into negotiations about SLAs to implement portability.

# INTERMODAL PORTING INTERVAL

*Portability should be simple and efficient for customers*

- The FCC should resolve the porting interval debate.
- The CMRS providers have agreed to a wireless to wireless porting interval of 2 ½ hours.
- The wireline porting interval is currently 4 days.
  - A porting interval of 4 days is unnecessarily long and will result in customer confusion and inconvenience.
- T-Mobile has proposed a compromise intermodal porting interval of 2 days.
  - A porting interval of 2 days would be significantly less burdensome for wireline carriers to implement than a 2 ½ hour interval.
- Some transition may be necessary past November of 2003.

## CONCLUSION

### *FCC action can remove the obstacles to Universal Portability*

- The FCC should resolve the rate center issue by requiring wireline carriers to accept a customer's request to port-out to a wireless carrier of his or her choice.
- The FCC should resolve the SLA/interconnect agreement controversy by clarifying that interconnection agreements are not necessary and that SLA agreements are sufficient to support porting.
- The FCC should resolve the porting interval debate: A porting interval of 4 days is unnecessarily long and will result in customer confusion and inconvenience.